

DECLARATION  
AND POWER OF ATTORNEY  
ORIGINAL APPLICATION

As below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR AUTOMATICALLY DETERMINING SEED VIGOR  
INDEX FROM SEEDLINGS WITH AUTOMATIC SEPARATION OF OVERLAPPED  
SEEDLINGS**

the specification of which

- ☐ is attached hereto.  
☒ was filed on June 9, 2000 as Application Serial No. 09/591,432.  
☐ and was amended on \_\_\_\_\_  
(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, code of Federal Regulations, §1.56(a).

We hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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Address all correspondence to Sean T. Moorhead, Calfee, Halter & Griswold LLP,  
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We hereby declare that all statements made hereon of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Miller Baird McDonald, Jr.**

Inventor's signature

Miller Baird McDonald, Jr.

October 11, 2000  
Date

Residence: 5837 Tarton Circle  
Dublin, Ohio 43017

Country of Citizenship: U.S.A.

Post Office Address: Same as above

Full name of second inventor: <sup>u K<sup>2</sup></sup> **Kikuo Fujimura**

Inventor's signature: Kikuo Fujimura 10-19-00  
Date

Residence: 3077 Middlefield Road – #203  
Palo Alto, California 94306

Country of Citizenship: Japan

Post Office Address: ~~Hamilton Station Post Office~~ <sup>K<sup>2</sup></sup>  
~~380 Hamilton Avenue~~  
~~Palo Alto, California 94306~~ <sup>Same as above</sup>

Full name of third inventor: **Mark Alan Bennett**

Inventor's signature: Mark Alan Bennett October 11, 2000  
Date

Residence: 5815 Lou Street  
Columbus, Ohio 43231

Country of Citizenship: U.S.A.

Post Office Address: Same as above

Full name of fourth inventor: **Yusaku Sako**

Inventor's signature: Yusaku Sako 10-19-00  
Date

Residence: ~~2076 Wendys Drive #60~~ <sup>45</sup> 2243 McLaughlin Ave #2  
~~Columbus, Ohio 43220~~ San Jose, CA 95122

Country of Citizenship: Japan

Post Office Address: Same as above

Full name of fifth inventor: **Andrew Frederick Evans**

Inventor's signature: Andrew F. Evans 10-11-00  
Date


Residence: 1015 Tipton Court  
Westerville, Ohio 43081

Country of Citizenship: U.S.A.

Post Office Address: Same as above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : McDonald, et al.  
FOR : SYSTEM AND METHOD FOR  
AUTOMATICALLY DETERMINING  
SEED VIGOR INDEX FROM SEEDLINGS  
WITH AUTOMATIC SEPARATION OF  
OVERLAPPED SEEDLINGS  
SERIAL NO. : 09/591,432  
FILED : June 9, 2000  
ATTORNEY DOCKET NO. : 22727/04060



37 C.F.R. 1.27 VERIFIED STATEMENT CLAIMING  
SMALL ENTITY STATUS – NONPROFIT ORGANIZATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Ohio State Research Foundation  
ADDRESS: 1960 Kenny Road  
Columbus, Ohio 43210-1063

TYPE OF ORGANIZATION

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(a) and 501(c)(3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF  
STATE OF THE UNITED STATES OF AMERICA  
(name of state \_\_\_\_\_)  
(citation of statute \_\_\_\_\_)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE  
SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE  
UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL  
UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
IF LOCATED IN THE UNITED STATES OF AMERICA  
(name of state \_\_\_\_\_)  
(citation of statute \_\_\_\_\_)

PATENT  
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JCS638

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled:

**SYSTEM AND METHOD FOR AUTOMATICALLY DETERMINING SEED VIGOR  
INDEX FROM SEEDLINGS WITH AUTOMATIC SEPARATION OF OVERLAPPED  
SEEDLINGS**

by inventors: Miller B. McDonald, Jr., Kikuo Fujimora, Mark A. Bennett, Yusaka Sako and  
Andrew F. Evans

described in

- ☐ the specification filed herewith.  
☒ application Serial No. 09/591,432; Filed: June 9, 2000.  
☐ Patent No. \_\_\_\_\_,  
☐ issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

**Robin L. Rasor**

TITLE IN ORGANIZATION

Director, Technology Licensing

ADDRESS OF PERSON SIGNING

1960 Kenny Road  
Columbus, Ohio 43210-1063

SIGNATURE

Robin L. Rasor  
Robin L. Rasor

DATE

15 October '00